

KENTUCKY ENVIRONMENTAL LEAD PROGRAM

November 1998

Announcements or Updates

Agency Staff Changes

The agency has added additional field staff. The new staff will bring the total compliance staff to three (3). The present staffing is:

Office: Terry M. Wescott, Health Program Adm.
Sharon Perl, Administrative Specialist

Compliance Field Staff:

Brian Short, Western Region
Janice Hollan, Central Region
Nancy Cooper, Eastern Region

Agency Responsibility for OSHA Requirements

According the Kentucky Statute 211.9071 all certified individuals shall comply with applicable rules and regulations of specific federal agencies including the United States Occupational Safety and Health Administration (OSHA).

Note that, the officials of the Environmental Lead Program has a working relationship with Department of Workplace Standards, in the Kentucky Labor Cabinet, to report potential violations of OSHA rules.

General Section

State and Federal rules and guidelines are available on the internet:

Environmental Lead Laws at www.lrc.state.ky.us/KRS/211-00/CHAPTER.HTM

State Environmental Lead Regulations at www.lrc.state.ky.us/kar/TITLE902.HTM

Environmental Protection Agency at www.epa.gov/epahome/rules.html

Department of Housing and Urban Development (HUD) guidelines at www.hud.gov/lca/lcarules.html

Occupational Safety and Health (OSHA) rules at www.osha.gov/comp-links.html

Worker/Supervisor/Company Section

The Submission of plans is required for abatement?

Some companies and supervisors who are applying for abatement permits appear confused about the required abatement and occupant protection plan.

Both an abatement and occupant protection plan or combination thereof, are required to be submitted to this agency for review and evaluation before an abatement permit will be issued.

The components of the plans are indicated in 902 KAR 47:100 Section 6, "Lead-hazard abatement." This information is required for all plan submission.

In addition, the agency is in the process of issuing guidelines that identifies other specific requirements, such as format and including the submission of drawings etc. related the abatement activities.

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Inspector/Risk Assessors

Kentucky regulations require that a certified lead-hazard inspector or risk assessor must conduct a clearance inspection and sampling at specific locations at the conclusion of an abatement process.

This individual can be associated with the certified abatement company; however this is not recommended as some customers and regulatory officials may consider this a conflict of interest.

This individual is required to use a “recognized laboratory.” What does this mean?

This is a laboratory recognized by EPA as being accredited pursuant to Section 405 (b) of the Toxic Control Act, 15 USC 2601.

It is up to the certified inspector or risk assessor to assure that the laboratory used is recognized, and the results are valid, and not pose a potential liability to the certified individual and the abatement company.

The agency may conduct a “Quality Assurance Inspection,” which would include a visual and sampling at the end of the abatement process.

In order to conduct this inspection the certified inspector or risk assessor will be required to provide his findings and laboratory report to the abatement contractor who will then provide the information to the agency.

Inspection and Risk Assessment Reports?

Either nothing is being done in regard to the lead hazard detection, or there is confusion about the regulatory requirements.

Note, copies of reports are required by regulation to be provided to the agency within thirty (30) days of the completion of the activity.

The non-submittal of reports can result in the suspension of certification of the inspector or risk assessor.

In addition, a report received that is related to a abatement project will likely hold up the abatement permit process until the report itself is reviewed for specific requirements by regulation.

Training Providers

Questions concerning OSHA topics in the EPA model course.

Kentucky and the Region IV States have adopted many of the EPA rules that were issued 1996.

One specific section identifies the new EPA model course indicated in 402 Part 745 Rule - 745.225 “Accreditation of training programs; target housing and child occupied facilities.”

The rules establish the topics of the course, time (minimum hours) and required hands-on activities. The wording does not include OSHA topics (or OSHA hands-on activities), therefore OSHA hands-on activities are not allowed in these courses. **This is different from the past EPA model course curriculum, which is being used by most training providers.**

“New” revised EPA curriculums, which will soon be available will not include OSHA training. States, which have adopted these rules, must be as stringent as EPA and not allow OSHA training in the courses as well.

Note, that in all likely-hood in the non-authorized states this OSHA exclusion will be enforced by EPA.

There are training providers who provide an extra day to teach OSHA rules and hand-on activities, in order satisfy their customer’s total regulatory requirements.

Training providers using either the thirty-two (32) hour supervisor or sixteen (16) hour worker course, should indicate to their customers of the lack of OSHA instruction, and the need for additional lead training requirements in order to satisfy OSHA regulations, etc.

Worker, Supervisor, Company -cont-

Note that a final abatement report is also required, which is expansion of the initial abatement plan with sample information, testing results, and any changes made during the abatement process

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